

been called on the energy bill. I am on the conference on the Medicare bill. I have attended two formal conferences on the Medicare bill, and the House Democrats that are conferees have attended both of those formal conferences on the Medicare bill.

As I have said many times on this floor when approached by the gentleman with his concerns, we are holding conferences with Democrats of this House, not conferences; we are holding discussions. I know the chairman of the Committee on Ways and Means and the chairman of the Committee on Energy and Commerce have informed me that there have been many discussions with the Democrats, including the ranking member. Not many, but there have been many discussions that include different groups of Democrats about what they would like to see in this bill, including the ranking member. I think, I could be corrected, but I think there was a meeting with the chairman of the Committee on Ways and Means and the ranking member and other Democrats on the Committee on Ways and Means about the Medicare bill just this week.

So whenever there is a formal conference, the conferees that have been appointed by the Speaker are invited to that conference, and there will be a formal conference before that Medicare bill comes to this floor, as in the form of a conference report.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader for his observation. We, I think, are getting different information from our principals. The gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL), I think, do not share that same view as to whether or not they have been included, two of our most senior Members of this House, two Members deeply concerned about both issues.

In any event, Mr. Leader, I appreciate the gentleman clarifying the schedule for next week and the week thereafter. That will be helpful to our Members.

#### ADJOURNMENT TO TUESDAY, NOVEMBER 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, November 4, for morning hour debates.

The SPEAKER pro tempore (Mr. PORTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### APPOINTMENT AS MEMBER TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mrs. Elisabeth DeVos, Grand Rapids, Michigan.

#### UNITED STATES CONTINUES TO BREAK LAW

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. McDERMOTT. Mr. Speaker, as the President announced that everything is fine in Iraq, the Red Cross is leaving, the Doctors Without Borders is leaving, and the United States continues to break the law. The problem there is we say we want to establish the rule of law, but we break it. The U.S. provisional authority in Iraq is breaking international law from the 1907 Hague Convention and the Geneva Convention.

On September 19, the viceroy, Mr. Bremer, said anybody will now be permitted to have full ownership of a wide range of state-owned Iraq assets. That violates the 1925 constitution which has been in effect and has not been changed by the people which bars private ownership of natural resources or the means of production. It prohibits the foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

We cannot bring democracy to a country and fail to bring the rule of law. The United States is talking out of both sides of its mouth.

Mr. Speaker, I include for the RECORD an article from the New York Times, dated October 29, titled, "Iraq Business Deals May Be Invalid, Law Experts Warn."

[From the New York Times, Oct. 29, 2003]

#### IRAQ BUSINESS DEALS MAY BE INVALID, LAW EXPERTS WARN

(by Thomas Catan)

The US-led provisional authority in Iraq may be breaking international law by selling state assets, experts have warned, raising the prospect that contracts signed now by foreign investors could be scrapped by a future Iraqi government.

International business people attending a conference in London this week heard that some orders issued by the US-led Coalition Provisional Authority (CPA) may be in breach of the 1907 Hague Regulations and the Fourth Geneva Convention.

"Is what they are doing legitimate, is it legal?" asked Juliet Blanch, a partner at the London-based international law firm Norton

Rose. "Most [experts] believe that their actions are not legal", she said. "There would be no requirement for a new government to ratify their [actions]."

International law obliges occupying powers to respect laws already in force in a country "unless absolutely prevented" from doing so.

According to international law experts, that throws doubt on the legality of the CPA's September 19 order opening the Iraqi economy to foreign investment. In what amounted to a blueprint for transforming Iraq into a market economy, Order 39 permitted full foreign ownership of a wide range of state-owned Iraqi assets, barring natural resources such as oil.

However, such sweeping economic reform may not be legal, as the UK government was privately warned by its chief law officer in the first days of the war. In his private advice, later leaked to the press, Lord Goldsmith wrote that "the imposition of major structural economic reforms would not be authorised by international law."

The British government will not now comment on the attorney general's advice, which it maintains was confidential.

Questioned in parliament by Shirley Williams, the Liberal Democrat leader of the House of Lords, a minister argued that the government was "confident that their policies and actions in Iraq are right and consistent with the UK's international obligations."

However, international experts say foreign investors could face a wide range of legal problems in Iraq. Not least is the fact that Order 39 is "strictly contrary to the Iraqi constitution," according to Stephen Nelson, a partner at Squire, Sanders & Dempsey, speaking before the conference on Monday.

Indeed, the Iraqi constitution—which cannot legally be altered without the consent of the Iraqi people—contains a wide range of other provisions that could be highly troublesome for foreign investors.

Iraqi law bans private ownership of "national" resources or "the basic means of production". It also prohibits foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

There is also the question of what will happen to existing contracts with foreign companies, signed with the government of Saddam Hussein.

The CPA has yet to announce what will become of pre-existing contracts, many of which are held by Russian, Chinese and French companies.

However, international law experts have said they could be enforced, raising the possibility that contracts with the ousted regime might be more enforceable than those signed with the CPA.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of North Carolina (at the request of Ms. PELOSI) for October 29 after 5:30 p.m. and the balance of the week on account of official business.

Ms. LINDA T. SANCHEZ of California (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. ISAKSON (at the request of Mr. DELAY) for today until 1:00 p.m. on account of addressing the Georgia Department of Adult and Technical Education in Savannah.